

***** UNITED STATES DISTRICT COURT *****

NORTHERN

DISTRICT OF

NEW YORK

JUDGMENT IN A CIVIL CASE

DOCKET NO. 1:05cv84 (FJS/DRH)

JAMES SMITH,

Plaintiff,

COMMISSIONER OF SOCIAL SECURITY,

Defendant(s).

_____ JURY VERDICT. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

XX _____ DECISION by COURT. This action came to trial or hearing before the Court. The issues have been tried and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the final decision of the Secretary is REVERSED and the action is REMANDED pursuant to the 4th sentence of 42 USC Section 405(g), in accordance with the Stipulation signed by the parties and "So Ordered" by USMJ David R. Homer on 12/8/05.

DATE: December 8, 2005


Clerk of Court

s/William J. Griffin

By: _____

DEPUTY CLERK